IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

INCOME TAX APPEAL NO.60 OF 2005

The Commissioner of Income-tax-9 .. Appellant.

Versus

M/s.Lokhandwala Construction Ind. Private Limited .. Respondent.

Mr.S.M. Shah with Mr.P.S. Sahadevan for the Appellant.

Dr.K. Shivram with Mr.A.R. Singh and Mr.S.S. Shetty for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 24TH OCTOBER, 2007.

P.C. :

1. So far as question A as framed is concerned, in the assessee's own case reported in 260 I.T.R. 579, this Court has held in favour of the assessee. In appeal preferred by the revenue to the Supreme Court, no special leave was granted.

2. So far as question C as framed is concerned, the said issue is covered by the order of this court in the assessee's own case in Income Tax Appeal No.717 of 2002 and other companion appeals dated 24th October, 2005 (CIT V/s M/s.Lokhandwala Const. Ind. Pvt. Ltd., Mumbai).

3. Considering that questions A and C are

covered in the assessee's own case by judgments of this Court, said questions would not arise.

4. So far as question B is concerned, revenue does not press the same.

5. In the light of that, appeal disposed of with no order as to costs.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)